

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No.

24180-044002

Total pages

12

First Named Inventor or Application Identifier

Deane E. Galloway

Express Mail Label No.

EL096037906US

APPLICATION ELEMENTS

ADDRESS TO:

Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, DC 20231☒ Fee Transmittal Form

(Submit an original, and a duplicate for fee processing)

6. ☐ Microfiche Computer Program (Appendix)7. ☐ Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)2. ☐ Specification [Total Pages]

(preferred arrangement set forth below)

- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

3. ☐ Drawing(s) (35 USC 113) [Total Pages]4. ☒ Oath or Declaration [Total Pages]

- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 17 completed)

[Note Box 5 below]

- i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting
inventor(s) named in the prior application,
see 37 CFR 1.63 (d) (2) and 1.33 (b).

☒ Incorporation by Reference (useable if Box 4b is checked)The entire disclosure of the prior application, from which a
copy of the oath or declaration is supplied under Box 4b,
is considered as being part of the disclosure of the
accompanying application and is hereby incorporated by
reference therein.**ACCOMPANYING APPLICATION PARTS**8. ☐ Assignment Papers (cover sheet & document(s))9. ☐ 37 CFR 3.73 (b) Statement ☐ Power of Attorney
(when there is an assignee)10. ☐ English Translation Document (if applicable)11. ☐ Information Disclosure ☐ Copies of IDS
Statement (IDS)/PTO-1449 Citations12. ☒ Preliminary Amendment13. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)14. ☐ Small Entity ☐ Statement filed in prior application,
Statement(s) Status still proper and desired15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)☒ Other: Revocation of Prior Power and New Power of
Attorney; and Certificate Under 37 CFR §3.73

16. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 08/899,410**17. CORRESPONDENCE ADDRESS**☐ Customer number or bar code label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

NAME

Joy Ann G. Serauskas
McDermott, Will & Emery

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CERTIFICATE OF MAILINGI hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope
addressed to: Box PATENT APPLICATION / Assistant Commissioner for Patents / Washington, D.C. 20231 on this date: July 30, 1999
(Express Mail Label No. Above)

Typed or printed name

Joy Ann G. Serauskas

Signature

Joy Ann G. Serauskas

Date

July 30, 1999

Express Mail No. EL096037906US

Assistant Commissioner for Patents
Washington, DC 20231

Joy Ann G. Serauskas
Joy Ann G. Serauskas, Registration No. 27,952

PRELIMINARY AMENDMENT

Dear Sir:

Prior to examination of the above-referenced application, please enter the following amendments:

In the Claims:

Please cancel claims 1-16 and 19.

Please amend claim 17 as follows:

17. (Amended) A multiple layer polymeric film, comprising:

- (a) a first barrier layer, having first and second opposing surfaces;
- (b) second and third adhesive layers disposed on opposing surfaces of said first layer;

(c) a [fourth] second layer comprising ethylene vinyl acetate and disposed adjacent to said third layer; and

(d) a fifth layer comprising a polymer or copolymer formed by the polymerization reaction with a single site catalyst and disposed adjacent to said fourth layer;

wherein said film is irradiated.

18. (Amended) A multiple layer polymeric film as in claim [16] 17, said first barrier layer comprising ethylene vinyl alcohol copolymer.

20. (Amended) A multiple layer polymeric film as in claim [13] 17, wherein said first barrier layer has a thickness of about 20 gauge, said second and third layers each has a thickness of about 25 gauge, said fourth layer has a thickness of about 45 gauge, and said fifth layer having a thickness of about -1.15 gauge.

21. (Amended) A package made from the film of claim [13] 17.

REMARKS

Applicants have amended claim 17 by amending in (c) "a fourth layer" to read "a second layer". Support for this amendment is found in Figure I as well as the description for Figure I, page 8, line 15 to page 9, line 4. Applicants respectfully request consideration and entrance of the instant Preliminary Amendment.

Date: July 30, 1999

Respectfully submitted,

By: Joy Ann G. Serauskas
Joy Ann G. Serauskas
Registration No. 27,952
McDermott, Will & Emery
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312-372-2000

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DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MULTILAYER THERMOPLASTIC FILMS AND PACKAGES MADE THEREFROM

the specification of which (check one)

☐ is attached hereto.

☐ was filed on June 7, 1995 as Application Serial No. 08/481,685.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

Address all correspondence and all telephone calls to Thomas A. O'Rourke.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:

Full name of second inventor, if any:

Deane E. Galloway

Keith D. Lind

Inventor's signature:

Inventor's signature:

Deane E. Galloway

Keith D. Lind

COPY

Citizenship: U.S.A.

Residence:

1806 North Englewood

Appleton, WI 54914

Post Office Address:

Same

Full name of fourth inventor, if any:

George H. Walbrun

Inventor's signature:

George H. Walburn

Date: 8/18/95

Citizenship: U.S.A.

Residence:

1047 Ida Street

Menasha, WI 54952

Post Office Address:

Same

Full name of sixth inventor, if any:

Inventor's signature:

Date: _____

Citizenship:

Residence:

2118 Clover Lane

Appleton, WI 54956

Post Office Address:

Same as above

Residence:

Post Office Address:

JCT\106\jm

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Docket No. 24180-044001

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
)
GALLOWAY *et al.*) Group Art Unit: 1772
)
Serial No.: 08/899,410) Examiner: Charles R. Nold
)
Filed: July 23, 1997) Batch No. H47
)
For: **MULTI-LAYER**)
THERMOPLASTIC FILMS AND)
PACKAGES MADE THEREFROM)

REVOCATION OF PRIOR POWER AND NEW POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, DC 20231

Dear Sir:

American National Can Company, the Assignee of the above-identified application, by prior assignment, hereby revokes all powers of attorney previously given.

The following are hereby appointed, with full power of substitution and revocation, to prosecute and transact all business in the Patent and Trademark Office in connection with this application:

Margaret M. Duncan, Reg. No. 30,879; Joseph H. Paquin, Jr., Reg. No. 31,647; Damian Wasserbauer, Reg. No. 34,749; John G. Bisbikis, Reg. No. 37,095; Joy Ann G. Serauskas, Reg. No. 27,952; Christine F. Martin, Reg. No. 39,762; Tracey R. Thomas, Reg. No. 38,633 and Matthew E. Leno, Reg. No. 41,149 each an attorney/agent with the firm of McDermott, Will & Emery.

Please send all correspondence to:

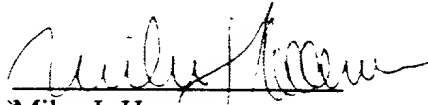
Margaret M. Duncan
McDermott, Will & Emery
227 West Monroe Street
Chicago, Illinois 60606
(312) 372-2000

Assignee hereby designates Margaret M. Duncan, Joseph H. Paquin, Jr., Damian Wasserbauer, John G. Bisbikis, and Christine F. Martin, at the above address, as its domestic representatives on whom may be served process or notice of proceedings affecting the above-identified patent application or any patent issuing thereon or any rights thereunder.

Respectfully submitted,

AMERICAN NATIONAL CAN COMPANY

Date: 4/1/88


Mike J. Hoover
Vice President
Legal Affairs
Plastic Packaging